

DFW

Application No. 10/647,068
Docket No. 0101-P02977US1

Art Unit: 3732
Examiner: Philogene, Pedro

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of: **Argenta, et al.**

Group Art Unit: 3732

Serial No.: 10/647,068

Examiner:
Philogene, Pedro

Filed: **August 22, 2003**

For: **Bone Treatment Employing Reduced Pressure**

AUTHORIZATION TO CHARGE DEPOSIT ACCOUNT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

On January 30, 2007 Applicant filed a Request for Continued Examination along with a request for three-month suspension of prosecution and the required fee under 37 CFR 1.17(i). Ignoring Applicant's duly requested three-month suspension of prosecution, the Patent Office prematurely issued a non-final office action on April 13, 2007 during the period of suspension. Since the Office could not issue an office action prior to April 30, 2007 under the rules, Applicant believes that the issuance of the premature non-final office action should be ignored for fee calculation purposes.

Specifically, on or before April 30, 2007 Applicant filed numerous Information Disclosure Statements without paying the fee under 37 CFR 1.17(p). Applicant believes the issuance of the office action in violation of the rules make clear that Applicant is not required pay the fees under 37 CFR 1.17(p) for the Information Disclosure Statements filed on or before April 30, 2007. Applicant is enclosing herewith \$1080 for the six Information Disclosure Statements filed after April 30, 2007. In the event that the Patent Office deems that additional fees are due under 37 CFR 1.17(p), the Patent Office is authorized to charge any fees due under 37 CFR 1.17(p) to deposit account 04-1406.

Respectfully submitted,

05/30/2007 SFELEKE1 00000016 10647068

01 FC:1806

180.00 CR

Shels Haun, PTO Reg. No. 48,488

DANN DORFMAN HERRELL & SKILLMAN

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Repln. Ref: 05/30/2007 SFELEKE1 0008325500

DAH:041406

Name/Number:10647068

FC: 9204

\$900.00 CR



FEE TRANSMITTAL

Total Amt of Payment (1) + (2) + (3) = \$1,080

METHOD OF PAYMENT (check one)

The Commissioner is hereby authorized to:

☐ Charge indicated fees

☒ Charge additional fees

☒ Credit overpayments

to the account of DANN, DORFMAN, HERRELL & SKILLMAN

Deposit Account Number 04-1406

Payment enclosed:

Check in the amount of \$1,080

FEE CALCULATION

1. FILING FEE

Fee Description	Fee
Utility filing fee	
Design filing fee	
Plant filing fee	
Reissue filing fee	
SUBTOTAL (1)	\$0

2. Claims Fees

# of Claims - Paid	Extra Claims	Fee/Claim	Fee
Total Claims - =		25	\$0
Indep Claims - =		100	\$0
Multiple Dependent Claim Fee			

SUBTOTAL (2) \$0

Application Number: 10/647,068

Filing Date: August 22, 2003

First Named Inventor: Argenta, et al.

Group Art Unit: 3732

Examiner Name: Pedro Philogene

Attorney Docket Number: 0101-P02977US1

ADDITIONAL FEES

Fee Description	Fee Paid
Surcharge-late filing fee or oath	
Surcharge - late provisional filing fee or cover sheet	
Extension for response within month	
Notice of Appeal	
Filing a brief in support of an appeal	
Request for oral hearing	
Petition to revive unavoidably abandoned application	
Petition to revive unintentionally abandoned application	
Issue Fee	
Petitions to the Commissioner	
Petitions related to provisional applications	
Submission of IDS (six forms after 4/30/07)	1080
Recording each patent assignment per property	
Other fee (specify) <u>Advance Order (10 copies)</u>	
SUBTOTAL (3)	\$1,080

Submitted By: Niels Haun Ph.D. Reg. Number 48,488

Signature [Signature]

Date May 23, 2007

Deposit Account User ID
04-1406